

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

GOOGLE INC.,

Defendant.

**ORDER RE POSSIBLE
IN CAMERA REVIEW OF
DOCUMENTS WITHHELD AS
PRIVILEGED BY GOOGLE**

In reviewing the submissions regarding a possible *in camera* review of withheld-as-privileged Google documents on OpenJDK, the Court notes that Oracle is not asking for such a review (though it says the Court has authority to do one) and goes so far as to argue that any such review should not serve as a springboard to allow Google to present to the jury new evidence (the withheld-as-privileged documents) to show that there was no lawyer-advised consensus against using OpenJDK.

Consequently, the Court will take Google's counsel at their word that they will make no argument and present no line of evidence that would be contradicted by the withheld-as-privileged documents and that they will honor their professional obligations as officers of the Court. No *in camera* review shall be done, at least at this time. Nevertheless, Google's counsel shall have available in the courtroom for potential review, if the need arises, all of the withheld documents called out at page 2, line 14, through page 3, line 13 of Oracle's brief (Dkt. No. 1713).

IT IS SO ORDERED.

Dated: April 22, 2016.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE